

## Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

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OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 ERDE-00

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 8850

C O N F I D E N T I A L USUN 3424

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS NEGOTIATIONS: COMMITTEE I WORKSHOP 23 AUGUST

SUMMARY: COMMITTEE I WORKSHOP CONTINUED ITS GENERAL DISCUSSION OF ARTICLE 22 AND RELATED ASPECTS OF THE SYSTEM OF EXPLOITATION ON AFTERNOON OF AUGUST 23. G-77 MEMBERS SUPPORTED THEIR DRAFT PROPOSAL; EASTERN EUROPEANS SUPPORTED SOVIET ARTICLE AND MENTIONED NEED FOR AN QTE ANTI-DOMINANT UNQTE PROVISION; AND CANADA STATED THAT G-77 PROPOSAL SHOULD BE BASIS OF NEGOTIATIONS AND URGED PRODUCTION CONTROLS. IN ADDITION, GHANA AND SRI LANKA MADE PROPOSALS FOR ESTABLISHING SMALL NEGOTIATING GROUPS. END SUMMARY.

1. FORMAL MEETING OF COMMITTEE I TO CONSIDER REPORT OF CO-CHAIRMAN OF WORKSHOP WAS POSTPONED UNTIL AUG. 24 BECAUSE OF CONFIDENTIAL

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PROTRACTED SESSION OF GENERAL COMMITTEE. INSTEAD, WORKSHOP

MET AFTERNOON OF AUG. 23 TO CONTINUE DISCUSSION OF SYSTEM OF EXPLOITATION. GHANA, SRI LANKA, IVORY COAST, ALGERIA, AND LIBYA INTERVENED TO SUPPORT G-77 DRAFT PROPOSALS. INTERVENTIONS PURSUED FOLLOWING THEMES:

A. AUTHORITY MUST HAVE CONTROL OVER THE COMMON HERITAGE OF MANKIND IN ORDER TO PRESERVE THE SEABED RESOURCES FOR THE BENEFIT OF ALL MANKIND AND PREVENT ABUSES BY MULTINATIONAL CORPORATIONS. ANY RIGHTS THAT STATES OR OTHER ENTITIES MAY HAVE IN THE AREA ARE DERIVED FROM THE AUTHORITY WHICH REPRESENTS THE JOINT SOVEREIGNTY OF THE INTERNATIONAL COMMUNITY OVER THE AREA.

B. THE ENTERPRISE MUST HAVE PRIMARY RIGHTS IN THE AREA AND CANNOT, AS ADVOCATED BY THE US AND USSR, BE ON A COMPETITIVE BASIS WITH STATES AND PRIVATE ENTITIES.

C. THE FACT THAT THE G-77 PROPOSAL EMPHASIZES THE CONCEPT OF THE AUTHORITY AS THE SOLE EXPLOITER OF THE SEABED DOES NOT MEAN THAT THE G-77 IS UNMINDFUL OF THE NEEDS OF THE QTE PRESENT OWNERS OF TECHNOLOGY UNQTE AND THE IMPORTANCE OF ADEQUATE INCENTIVES. THE POWER OF THE AUTHORITY IN THE PROPOSAL IS LIMITED TO QTE SECURING COMPLIANCE UNQTE WITH THE PROVISIONS OF THE CONVENTION BUT IF THE INDUSTRIALIZED STATES CONSIDER THE DEFINITIONS IN THE G-77 DRAFT ANNEX I INADEQUATE, GROUP WILL DISCUSS HOW IT CAN BE MADE ADEQUATE.

2. IN ADDITION ALGERIA, INDICATING UNHAPPINESS THAT ITS POSITION HAD NOT BEEN ADOPTED BY G-77, STATED THAT IT HAD NEVER BEEN CONVINCED THAT IT WAS NECESSARY TO GRANT ACCESS TO STATES AND PRIVATE FIRMS IN ORDER TO OBTAIN THE TECHNOLOGY TO DEVELOP THE AREA BECAUSE QTE IF POLITICAL WILL EXISTS, ANYTHING CAN BE ACHIEVED UNQTE. ALGERIA ALSO EMPHASIZED THAT THE ENTERPRISE SHOULD NOT BE CONSIDERED AN INDUSTRIALIZED STATE CONCESSION TO LDCS INASMUCH AS SUCH NON-G-77 STATES AS NORWAY, CANADA, RUMANIA, AND THE PRC COMPLETELY ENDORSED IT. ALGERIA URGED THAT NO AMBIGUITIES BE ALLOWED IN THE TEXT LEST STATES AND MNCS INTERPRET THE CONVENTION FOR THEIR OWN BENEFIT.

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3. CZECHOSLOVAKIA, THE GDR, AND POLAND INTERVENED TO SUPPORT THE USSR DRAFT ARTICLE 22, AND TO EMPHASIZE THE NEED FOR PROVISIONS FOR ACCESS BY LAND-LOCKED STATES. IN ADDITION, CZECHOSLOVAKIA AND POLAND, PROBABLY AT SOVIET BEHEST, MENTIONED THE NEED FOR SOME QTE ANTI-DOMINANT UNQTE PROVISION TO PREVENT THE STATES WITH A TECHNOLOGICAL LEAD FROM MONOPOLIZING SEABED MINING.

4. CANADA (CROSBY) CONTINUED ITS PURSUIT OF QTE HONORARY G-77 MEMBERSHIP UNQTE BY ENDORSING G-77 DRAFT PROPOSAL AS BASIS FOR NEGOTIATIONS. IT ALSO OPPOSED UNRESTRICTED ACCESS WHICH COULD LEAD TO ONE SIDED DOMINATION BY ONE STATE, AND ADVOCATED PRODUCTION CONTROLS SO THAT NO ONE IN THE INTERNATIONAL COMMUNITY WOULD BE HURT BY SEABED MINING.

5. A NJMBER OF DELEGATIONS (ALGERIA, JAMAICA, POLAND, YUGOSLAVIA) EMPHASIZED NEED FOR PROVISIONS FOR FINANCING OF AND MAKING TECHNOLOGY AVAILABLE TO ENTERPRISE. THIS SUBJECT IS INCREASINGLY BEING LINKED TO OVERALL QUESTION OF ACCESS.

6. ON PROCEDURE, GHANA AND SRI LANKA MADE PROPOSALS. GHANA SUGGESTED THAT A SMALL NEGOTIATING GROUP UNDER-TAKE TO EXPLORE AREAS OF COMPROMISE AND REFER PROPOSALS BACK TO THE RESPECTIVE GROUPS FOR APPROVAL. SRI LANKA (PINTO) PROPOSED THAT THE CO-CHAIRMEN IDENTIFY PRECISELY THE CRITICAL ISSUES; THE CO-CHAIRMAN MEET WITH THEIR OPPOSITE GROUPS (I.E. JAGOTA WITH INDUSTRIALIZED STATES AND SONDAHL WITH G-77) IN ORDER TO UNDERSTAND FULLY THEIR RESPECTIVE POSITIONS; AND CO-CHAIRMEN REDRAFT KEY PORTIONS OF THE RSNT ON BASIS OF THEIR DISCUSSIONS. A SMALL NEGOTIATING GROUP WOULD THEN MEET IN AN QTE ARENA UNQTE TO NEGOTIATE ON THE BASIS OF THESE TEXTS.

7. COMMENT: COMMITTEE I IS MOVING TOWARD THE ESTABLISHMENT OF A SMALL NEGOTIATING GROUP, IF SUCH A GROUP IS ESTABLISHED, IT WILL LIKELY BE COMPOSED OF ABOUT TWENTY STATES DIVIDED BETWEEN MAJOR INDUSTRIALIZED COUNTRIES AND THE GROUP OF 77, AND FOCUS INITIALLY ON ARTICLE 22.

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